

**UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF NEW YORK**

-----X Chapter 11

In re: Case No. 24-43626

288 4<sup>TH</sup> LLC,

Debtor,

-----X Adv. Proc. #: **24-01089-ess**  
CHAIM KAHAN

Creditor-Plaintiffs

**AFFIDAVIT OF CHAIM KAHAN**

- against -

COHEN, TAUBER, SPIEVACK & WAGNER, P.C., YECHESKEL WEISZ,  
SHIA WEISZ

Debtor-Defendant

-----X

**AFFIDAVIT OF CHAIM KAHAN IN SUPPORT OF MOTION FOR REMAND**

STATE OF NEW YORK)

SS.:

COUNTY OF Rockland)

I, CHAIM KAHAN, being duly sworn, deposes and says:

1. I am the named Plaintiff in the instant action and as such I have personal knowledge of the facts stated herein.

2. On or about September 4, 2024, I retained Btzalel Hirschhorn, Esq., and the law firm of Shiryak, Bowman, Anderson, Gill & Kadochnikov, LLP to represent my interests with respect to the bankruptcy filing commenced by 288 4<sup>th</sup> LLC.

3. At no point in time did I ever retain Eric Horn or the law firm of AY Strauss to represent me.

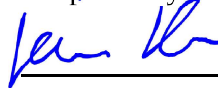
4. At no point in time did I ever authorize Eric Horn, AY Strauss, or any other attorney or party to remove this proceeding from Kings County Supreme Court (which is where it belongs).

5. My attorney tells me that Mr. Horn and his law firm have recorded their representation on the docket as being my attorneys. This is false. I did not hire Mr. Horn or AY Strauss to represent me or take any action on my behalf.

6. My attorney further tells me that due to Mr. Horn and his firm's representation as proposed counsel to the Debtor, they would have an un-waivable conflict of interest pursuant to the ABA Model Rules of Professional Conduct. My attorney tells me that Mr. Horn's asserted representation of me (aside from being false), also violates the ABA Rules of Professional Conduct.

7. I therefore ask this Court to not permit this fraudulent representation and to grant my attorney's Motion to Remand.

Respectfully submitted,



By: Haim Kahan

Sworn to before me this  
9<sup>th</sup> day of September 2024



Notary Public this notarial act involved a remote online  
appearance through use of communication technology  
Notarized online using audio-video communication